

**STATEMENT OF REP. EDWARD MARKEY INTRODUCING THE NATIONAL  
AMUSEMENT PARK RIDE SAFETY ACT OF 2001**

**H.R. 1488**

**April 4, 2001**

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Mr. Speaker, today I am introducing the NATIONAL AMUSEMENT PARK RIDE SAFETY ACT, to restore safety oversight to an largely unregulated industry. I am joined in this effort by Representatives Connie Morella, John Tierney, Carolyn Maloney, Barney Frank, Peter DeFazio, Eddie Bernice Johnson, Cynthia McKinney, Tom Lantos and Julia Carson.

It is shocking to realize that one-third of all roller coasters in this country are never inspected by any public safety official at all. These and other rides are large machines used to carry children at high speeds. Industry trends have been to increase the speed and the force of these machines to levels that exceed the forces experienced by shuttle astronauts. Although many of these rides are operated safely and without incident, nevertheless every day riders are hurt, often seriously, requiring hospitalization, visits to emergency rooms. And occasionally, someone who went to the park for a thrill actually is killed by the operation of these machines.

To me, it is inexcusable that when someone dies or is seriously injured on these rides, there is no system in place to ensure that the ride is investigated, the causes determined, and the flaws fixed, not just on that ride, but on every similar ride in every other state.

The reason there is no national clearinghouse to prevent ride injuries is clear since 1981, the industry has escaped routine product safety regulation through a loophole in the law. The industry carved out an exemption that says that while the Consumer Product Safety Commission can regulate every other consumer product, and while it can regulate small carnival rides that travel from town to town, it cannot step foot in an amusement park for the purpose of regulating a ride that is fixed to the site, such as a roller coaster.

This is the so-called "Roller Coaster Loophole", and it needs to be closed.

The bill eliminates the restriction on CPSC safety jurisdiction adopted in 1981. It will allow the CPSC the same scope of authority to protect against unreasonable risks of harm on "fixed-site" rides that it currently retains for carnival rides that are moved from site to site ("mobile rides.") This would include the authority to investigate accidents, to develop and enforce action plans to correct defects, to require reports to the CPSC whenever a substantial hazard is identified, and to act as a national clearinghouse for accident and defect data.

The bill would also authorize appropriations of \$500 thousand annually to enable the CPSC to carry out the purposes of the Act.

**Background:**

- The Consumer Product Safety Act provided the Consumer Product Safety Commission (CPSC) with the same consumer protections authority it has for other consumer products. However, in 1981, following a series of legal challenges by several owners of large theme parks, Congress stepped in and limited CPSC authority only to those rides "not permanently fixed to a site." Thus, the CPSC currently is prohibited from investigating accidents or developing or enforcing safety plans, and manufacturers, owners and operators of rides are not required to disclose to the CPSC defects which would create a substantial hazard of consumer injury. Since it cannot gather the

information, the CPSC is also effectively prevented from sharing the information with others so that accidents in one state can be prevented in another.

#### Rising Risk of Serious Injury:

- The CPSC estimates the number of serious injuries on fixed and mobile amusement park rides using the National Electronic Injury Surveillance System (NEISS). This data includes only injuries severe enough to have led the injured party to go to an emergency room. According to its July 2000 summary, emergency-room injuries on fixed rides increased 95 percent over the previous four years, and they rose most rapidly on the rides that are exempt from CPSC oversight.
- When one compares the safety record of this industry to other activities that involve traveling as a passenger at high speed, such as passenger trains, buses and planes, the amusement park industry's fatality rate is actually worse.
- Some states try to step in where the CPSC cannot, but states with inspection programs are very uneven depending on which agency has the responsibility and whether its expertise is design, operator training, manufacturing, etc. No state, and no industry organization, provides the national clearinghouse function that the CPSC currently provides for mobile rides and could provide for fixed-site rides.

#### Fatalities:

- Although the overall risk of death on an amusement park ride is very small, it is not zero. In the course of one week in August 1999, for example, 4 deaths occurred on roller coasters, which U.S. News & World Report termed "one of the most calamitous weeks in the history of America's amusement parks":
- August 22 -- a 12-year-old boy fell to his death after slipping through a harness on the Drop Zone ride at Paramount's Great America Theme Park in Santa Clara, California;
- August 23 -- a 20-year-old man died on the Shockwave roller coaster at Paramount King's Dominion theme park near Richmond, Virginia;
- August 28 -- a 39-year-old woman and her 8-year-old daughter were killed when their car slid backward down a 30-foot ascent and crashed into another car, injuring two others on the Wild Wonder roller coaster at Gillian's Wonderland Pier in Ocean City, New Jersey.
- Each of these tragedies is an opportunity for the CPSC to search for causes and share its insights with the operators of other similar rides. Unless the law is changed, however, it cannot perform this role. One final point the industry has the unfortunate habit of belittling the risk of loved ones getting mangled or killed on these machines by suggesting that the risk of getting hurt is lower than for "bowling" or "watering your garden." In fact, the fatality rate on roller coasters approximates the risk of dying on passenger trains, buses and airplanes. None of those industries claims any exemption from federal oversight, and investigations by federal safety experts of train accidents, bus accidents or plane crashes is central to minimizing the reoccurrence of serious or fatal accidents in America.

Yet this common sense eludes the amusement park industry, to the detriment of the safety of children and adult riders alike.

As the spring and summer riding season begins, I urge my colleagues to cosponsor this modest restoration of safety to all parkgoers. Thank you.

Organizations supporting The National Amusement Park Ride Safety Act: National Consumer Groups, Consumer Federation of America, Consumers Union, U.S. Public Interest Research Group, National SAFE KIDS Campaign, Saferparks.org, State & Local Consumer Groups, American Council on Consumer Awareness, Arizona Consumers Council, Center for Public Representation (WI), Chicago Consumer Coalition, Columbia Consumer Education Council (SC), The Consumer Alliance (midwest)

regional alliance), Consumer Law Center of the South, Democratic Processes Center (AZ), Empire State Consumer Association (NY), Massachusetts Public Interest Research Group, Mercer County Community Action Agency (PA), North Carolina Consumers Council, Oregon Consumer League